



Reprinted  
February 24, 1999

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## SENATE BILL No. 109

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DIGEST OF SB 109 (Updated February 23, 1999 2:42 pm - DI 101)

**Citations Affected:** IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-12; IC 3-13; IC 3-14; IC 5-4; IC 5-6; IC 33-2.1; IC 33-5; IC 33-16; IC 36-1; noncode.

**Synopsis:** Various elections matters. Makes the following changes in election law: (1) Eliminates the requirement that certain political party officers appointed within a precinct must belong to opposite political parties. (2) Permits a county chairman to nominate, and a county election board to appoint, except in the case of a precinct inspector, a precinct election officer to serve a term that expires at noon, or begins at noon, on election day. (Current law does not provide for the appointment of a precinct election officer for a part of an election day.) (3) Provides that an employee of or volunteer in a county voter registration office or in a city or town office providing full service voter registration may not engage in certain activity prohibited by current law in other full service voter registration offices. (4) Requires a person  
(Continued next page)

**Effective:** December 1, 1998 (retroactive); January 1, 1999 (retroactive); upon passage; July 1, 1999.

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January 6, 1999, read first time and referred to Committee on Elections.  
February 9, 1999, amended, reported favorably — Do Pass.  
February 15, 1999, read second time, ordered engrossed. Engrossed.  
February 22, 1999, read third time, call withdrawn. Placed back on second reading for purposes of amendment.  
February 23, 1999, reread second time, amended, ordered engrossed.

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SB 109—LS 6541/DI 75+



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SB 109—LS 6541/DI 75+



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who requests 10,000 or more voter registration forms to submit a voter registration program plan. (Current law states the co-directors of the election division may require submission of a plan.) (5) Requires that a person preparing an absentee ballot application for a voter state the person's name on the absentee ballot application. (6) Makes changes relating to challenging the eligibility of an individual to be a candidate. (7) Makes technical changes in statutes relating to filing petitions of nomination and the filing of certificates of nomination of candidates and certificates of election of delegates to party conventions. (8) Makes changes to the formatting of ballots, including removing the requirement that a political party device must be printed on the primary election ballot for the party. (9) Makes several changes in election challenge, recount, and contest procedures, including payment of recount and contest expenses. Establishes the state recount fund for the purpose of receiving, holding, and disbursing funds as a fiduciary for the state recount commission and individuals providing cash deposits in connection with a recount or contest. Provides for appropriations from the state recount fund to the state recount commission of amounts necessary to pay expenses of recounts. (10) Provides that a criminal statute providing penalties for certain actions to influence a voter applies to the same actions intended to influence a candidate. (11) Provides that an appointed deputy of a person who holds a local office does not hold a lucrative office. (12) Makes technical changes in filings of declarations of candidacy and statements of economic interests by candidates for judicial offices. (13) Provides that a reference in an ordinance to the boundary of a political subdivision, a precinct boundary, or an election district boundary refers to the precinct or boundary as the precinct or boundary existed on the date of adoption of the ordinance. (14) Makes other technical changes in election law. (15) Appropriates \$10,000 from the state general fund to the state recount fund to pay claims timely submitted for reimbursement of expenditures for an election recount or contest conducted by the commission after January 1, 1986, and before January 1, 1999. Provides that such a claim must be submitted not later than noon August 1, 1999. (16) Repeals a statute relating to voter registration applications of individuals less than 18 years of age. Repeals statutes relating to ballot messengers. Repeals obsolete statutes.

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Reprinted  
February 24, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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## SENATE BILL No. 109

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A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-6-6-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as otherwise  
3 provided by law, each county election board shall appoint a precinct  
4 election board for each precinct in the county.  
5 (b) A precinct election board consists of **the following:**  
6 (1) One (1) inspector. ~~and~~  
7 (2) Two (2) judges. ~~of opposite political parties;~~  
8 (c) **Each county chairman of a major political party of the**  
9 **county is entitled to nominate one (1) judge under section 9 of this**  
10 **chapter.**  
11 (d) Each **inspector and judge** ~~of whom~~ must be a voter of the  
12 county.  
13 (e) The inspector ~~shall serve~~ **serves** as the chairman of the precinct  
14 election board.

SB 109—LS 6541/DI 75+



1 SECTION 2. IC 3-6-6-2 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Each county election  
3 board shall appoint two (2) poll clerks for each precinct in the county.

4 (b) **Each county chairman of a major political party of the**  
5 **county is entitled to nominate one (1) poll clerk under section 9 of**  
6 **this chapter.**

7 (c) The poll clerks must be of ~~opposite political parties and must be~~  
8 voters of the county.

9 SECTION 3. IC 3-6-6-3 IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Each county election  
11 board may appoint two (2) assistant poll clerks in each precinct.

12 (b) **Each county chairman of a major political party of the**  
13 **county is entitled to nominate one (1) assistant poll clerk under**  
14 **section 9 of this chapter.**

15 ~~(b)~~ (c) Except as provided in subsection ~~(c)~~; (d), the assistant poll  
16 clerks must be of ~~opposite political parties and must be~~ voters of the  
17 county.

18 ~~(c)~~ (d) The county election board may permit a person who is not a  
19 voter to be an assistant poll clerk if the person is:

20 (1) at least sixteen (16) years of age, but not more than seventeen

21 (17) years of age; and

22 (2) a resident of the county.

23 SECTION 4. IC 3-6-6-5 IS AMENDED TO READ AS FOLLOWS  
24 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in  
25 subsection ~~(b)~~; (d), each county election board shall appoint two (2)  
26 election sheriffs for each precinct in the county.

27 (b) **Each county chairman of a major political party of the**  
28 **county is entitled to nominate one (1) election sheriff under section**  
29 **9 of this chapter.**

30 (c) The sheriffs must be of ~~opposite political parties and must be~~  
31 voters of the county.

32 ~~(b)~~ (d) A county executive may issue an order providing that the  
33 judges of each precinct named in the order shall perform the duties and  
34 have the rights of the election sheriffs of the precinct named in the  
35 order. An order issued under this subsection remains in effect until the  
36 county executive **retracts rescinds** the order.

37 SECTION 5. IC 3-6-6-10 IS AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A county chairman may  
39 make nominations for precinct election offices by filing the  
40 nominations in writing with the circuit court clerk no later than noon  
41 fourteen (14) days before the election.

42 (b) **This subsection does not apply to the office of precinct**

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1 inspector. A county chairman may specify in the nomination of an  
 2 individual for a precinct election office that the individual is  
 3 nominated to serve until noon on election day and that another  
 4 individual is nominated to serve in the same precinct election office  
 5 beginning at noon on election day until the expiration of the term  
 6 of the office under section 37(b) of this chapter.

7 SECTION 6. IC 3-6-6-11 IS AMENDED TO READ AS FOLLOWS  
 8 [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) A county election board  
 9 shall appoint the voters who are nominated for precinct election offices  
 10 by the county chairmen.

11 (b) **This subsection does not apply to the office of precinct**  
 12 **inspector. This subsection applies to an appointment to a precinct**  
 13 **election office made following a nomination by a county chairman**  
 14 **under this chapter. The county election board shall provide that an**  
 15 **appointment of an individual to a precinct election office:**

16 (1) expires at noon on election day; or

17 (2) begins at noon on election day and expires under section  
 18 37(b) of this chapter;

19 if the nomination made by the county chairman specifies that the  
 20 nomination is made for a term that begins or expires at those times.

21 (c) **This subsection does not apply to the office of precinct**  
 22 **inspector. This subsection applies to an appointment to a precinct**  
 23 **election office made by a county election board under section 13(b)**  
 24 **of this chapter. The county election board may appoint an**  
 25 **individual to a precinct election office for a term that:**

26 (1) expires at noon on election day; or

27 (2) begins at noon on election day and expires under section  
 28 37(b) of this chapter.

29 SECTION 7. IC 3-6-6-14 IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not  
 31 apply to a vacancy in the office of election sheriff in a precinct that is  
 32 subject to a resolution adopted under section 5 of this chapter.

33 (b) If a precinct election officer fails to appear at the hour set for the  
 34 opening of the polls, or if a precinct election office becomes vacant  
 35 during election day, the remaining members of the precinct election  
 36 board shall fill the vacancy upon the nomination of the highest ranking  
 37 precinct election officer **whose nominated by the county chairman**  
 38 **of the same political party is the same as that required for whose**  
 39 **county chairman was entitled to nominate** the holder of the office to  
 40 be filled.

41 (c) **If a county chairman fails to nominate the individual**  
 42 **appointed to make a nomination to fill a vacant precinct election**

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1 **office under subsection (b), the individual appointed by the county**  
 2 **election board to this precinct election office under section 13(b) of**  
 3 **this chapter is entitled to make the nomination to fill the vacant**  
 4 **precinct office under this section.**

5 ~~(c)~~ **(d)** For the purpose of these nominations, the rank of precinct  
 6 election officers is as follows:

- 7 (1) Inspector.
- 8 (2) Judge.
- 9 (3) Poll clerk.
- 10 (4) Assistant poll clerk.
- 11 (5) Election sheriff.

12 SECTION 8. IC 3-6-6-32 IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE UPON PASSAGE]: Sec. 32. **(a)** If a precinct has both  
 14 poll clerks and assistant poll clerks and the voting is entirely done by  
 15 paper ballot, the assistant poll clerks shall perform the same duties  
 16 required of the poll clerks regarding the initialing and giving out of the  
 17 ballots and pencils **or pens** when required to do so. ~~However,~~

18 **(b)** It is necessary for only the two (2) poll clerks or assistant poll  
 19 clerks giving out a ballot to place their initials on the back of the ballot.  
 20 ~~although However,~~ the **two (2)** poll clerks or assistant poll clerks must  
 21 ~~be of opposite~~ **not have been nominated to a precinct election office**  
 22 **by the county chairman of the same political parties: party.**

23 SECTION 9. IC 3-7-10 IS ADDED TO THE INDIANA CODE AS  
 24 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
 25 PASSAGE]:

26 **Chapter 10. General Provisions**

27 **Sec. 1.** This article is enacted by the general assembly to  
 28 **implement Article 2, Section 14(c) of the Constitution of the State**  
 29 **of Indiana, which requires the general assembly to provide for the**  
 30 **registration of all persons entitled to vote.**

31 SECTION 10. IC 3-7-12-41 IS ADDED TO THE INDIANA CODE  
 32 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 33 UPON PASSAGE]: **Sec. 41.** **As provided in 42 U.S.C.**  
 34 **1973gg-5(a)(5), an employee or volunteer of a county voter**  
 35 **registration office may not do any of the following:**

- 36 **(1) Seek to influence an applicant's political preference or**  
 37 **party registration.**
- 38 **(2) Display any political preference or party allegiance,**  
 39 **including pictures, photographs, or other likenesses of any**  
 40 **currently elected federal, state, county, or local official.**
- 41 **(3) Make any statement to an applicant or take any action the**  
 42 **purpose or effect of which is to discourage the applicant from**



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1           **registering to vote.**

2           **(4) Make any statement to an applicant or take any action the**  
 3           **purpose or effect of which is to lead the applicant to believe**  
 4           **that a decision whether or not to register has any bearing on**  
 5           **the availability of services or benefits.**

6           SECTION 11. IC 3-7-19-6 IS ADDED TO THE INDIANA CODE  
 7 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 8 **UPON PASSAGE]: Sec. 6. As provided in 42 U.S.C. 1973gg-5(a)(5),**  
 9 **an employee or volunteer of a county voter registration office may**  
 10 **not do any of the following:**

11           **(1) Seek to influence an applicant's political preference or**  
 12           **party registration.**

13           **(2) Display any political preference or party allegiance,**  
 14           **including pictures, photographs, or other likenesses of any**  
 15           **currently elected federal, state, county, or local official.**

16           **(3) Make any statement to an applicant or take any action the**  
 17           **purpose or effect of which is to discourage the applicant from**  
 18           **registering to vote.**

19           **(4) Make any statement to an applicant or take any action the**  
 20           **purpose or effect of which is to lead the applicant to believe**  
 21           **that a decision whether or not to register has any bearing on**  
 22           **the availability of services or benefits.**

23           SECTION 12. IC 3-7-20-7 IS ADDED TO THE INDIANA CODE  
 24 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
 25 **UPON PASSAGE]: Sec. 7. As provided in 42 U.S.C. 1973gg-5(a)(5),**  
 26 **an employee or volunteer of a voter registration office designated**  
 27 **under this chapter may not do any of the following:**

28           **(1) Seek to influence an applicant's political preference or**  
 29           **party registration.**

30           **(2) Display any political preference or party allegiance,**  
 31           **including pictures, photographs, or other likenesses of any**  
 32           **currently elected federal, state, county, or local official.**

33           **(3) Make any statement to an applicant or take any action the**  
 34           **purpose or effect of which is to discourage the applicant from**  
 35           **registering to vote.**

36           **(4) Make any statement to an applicant or take any action the**  
 37           **purpose or effect of which is to lead the applicant to believe**  
 38           **that a decision whether or not to register has any bearing on**  
 39           **the availability of services or benefits.**

40           SECTION 13. IC 3-7-22-6 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As provided  
 42 in 42 U.S.C. 1973gg-4(b), the NVRA official shall make registration



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1 by mail forms available for distribution, with particular emphasis on  
2 organized voter registration programs.

3 (b) The co-directors **may shall** require a person who requests more  
4 than ten thousand (10,000) registration forms to submit a voter  
5 registration program plan to the NVRA official to document the  
6 person's need for the desired number of forms.

7 SECTION 14. IC 3-8-1-2 IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission or a  
9 county election board shall act in accordance with this section if a  
10 candidate in accordance with this section (or a person acting on behalf  
11 of a candidate in accordance with state law) has filed any of the  
12 following:

- 13 (1) A declaration of candidacy under IC 3-8-2.
- 14 (2) A request for ballot placement in a presidential primary under  
15 IC 3-8-3.
- 16 (3) A petition of nomination or candidate's consent to nomination  
17 under IC 3-8-6.
- 18 (4) A certificate of nomination under IC 3-8-7.
- 19 (5) A certificate of candidate selection under IC 3-13-1 or  
20 IC 3-13-2.

21 (b) The commission has jurisdiction to act under this section with  
22 regard to any filing described in subsection (a) that was made with the  
23 election division. A county election board has jurisdiction to act under  
24 this section with regard to any filing described in subsection (a) that  
25 was made with the county election board, county voter registration  
26 office, or the circuit court clerk.

27 (c) Before the commission or county election board acts under this  
28 section, a registered voter of the election district that a candidate seeks  
29 to represent must file a sworn statement with the election division or a  
30 county election board:

- 31 (1) questioning the eligibility of a candidate to seek the office;  
32 and
- 33 (2) setting forth the facts known to the voter concerning this  
34 question.

35 **(d) The eligibility of a candidate nominated by a convention,  
36 petition, or primary may not be challenged under this section if  
37 either of the following occurred:**

- 38 **(1) The commission or board determines that:**  
39 **(A) the eligibility of the candidate was challenged under  
40 this section before the candidate was nominated;**  
41 **(B) the commission or board conducted a hearing on the  
42 affidavit before the nomination; and**



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- 1           **(C) this challenge would be based on substantially the same**  
 2           **grounds as the previous challenge to the candidate.**  
 3           **(2) The commission or board determines that:**  
 4           **(A) the eligibility of the candidate was not challenged**  
 5           **under this section before the candidate was nominated;**  
 6           **(B) the person filing the affidavit had adequate time to file**  
 7           **a challenge under this section before the candidate was**  
 8           **nominated; and**  
 9           **(C) the allegations forming the basis of the challenge were**  
 10           **known (or reasonably should have been known) before the**  
 11           **nomination by the person who filed the affidavit.**  
 12           ~~(d)~~ **(e) Upon the filing of a sworn statement under subsection (c),**  
 13           the commission or county election board shall determine the validity  
 14           of the questioned declaration of candidacy, request for ballot placement  
 15           under IC 3-8-3, petition of nomination, certificate of nomination, or  
 16           certificate of candidate selection issued under IC 3-13-1-15 or  
 17           IC 3-13-2-8.  
 18           ~~(e)~~ **(f) The commission or county election board shall deny a filing**  
 19           if the commission or county election board determines that the  
 20           candidate has not complied with the applicable requirements for the  
 21           candidate set forth in the Constitution of the United States, the  
 22           Constitution of the State of Indiana, or this title.  
 23           SECTION 15. IC 3-8-1-5 IS AMENDED TO READ AS FOLLOWS  
 24           [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section does not  
 25           apply to a candidate for federal office.  
 26           (b) A person is disqualified from holding or being a candidate for  
 27           an elected office if the person:  
 28           (1) gave or offered a bribe, threat, or reward to procure the  
 29           person's election, as provided in Article 2, Section 6 of the  
 30           Constitution of the State of Indiana;  
 31           (2) does not comply with IC 5-8-3 **by having a conviction for a**  
 32           **violation of the federal laws listed in that statute;**  
 33           (3) has:  
 34           (A) entered a plea of guilty or nolo contendere to; or  
 35           (B) been convicted of;  
 36           a felony (as defined in IC 35-50-2-1);  
 37           (4) has been removed from the office the candidate seeks under  
 38           Article 7, Section 11 or Article 7, Section 13 of the Constitution  
 39           of the State of Indiana; ~~or~~  
 40           (5) is a member of the United States armed forces on active duty  
 41           and prohibited by the United States Department of Defense from  
 42           being a candidate; **or**



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1           **(6) is subject to:**

2                 **(A) 5 U.S.C. 1502 (the Little Hatch Act); or**

3                 **(B) 5 U.S.C. 7321-7326 (the Hatch Act);**

4                 **and would violate either federal statute by becoming or**  
 5                 **remaining the candidate of a political party for nomination or**  
 6                 **election to an elected office or a political party office.**

7           SECTION 16. IC 3-8-1-5.5 IS AMENDED TO READ AS  
 8           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) Except as  
 9           provided in IC 3-13-1-19 and IC 3-13-2-10 for filling a vacancy on a  
 10          ticket, a person who:

11                 (1) is defeated in a primary election; ~~or~~

12                 (2) appears as a candidate for nomination at a ~~state~~ convention  
 13                 **and is defeated; or**

14                 (3) files a declaration of candidacy for nomination by a **county,**  
 15                 **city, or** town convention and is defeated; **or**

16                 (4) **files a declaration of candidacy for nomination by a caucus**  
 17                 **conducted under IC 3-13-1 or IC 3-13-2 and is defeated;**

18          is not eligible to become a candidate for the same office in the next  
 19          general or municipal election.

20                 (b) For the purposes of subsection (a):

21                         (1) a candidate for an at-large seat on a fiscal body is considered  
 22                         a candidate for the same office as a candidate for a district seat on  
 23                         a fiscal body; and

24                         (2) a candidate for United States representative from a district in  
 25                         Indiana is considered a candidate for the same office as a  
 26                         candidate for any other congressional district in Indiana.

27                 (c) This section does not apply to a candidate who files a written  
 28                 request for placement on the presidential primary ballot under IC 3-8-3.

29          SECTION 17. IC 3-8-1-5.7 IS AMENDED TO READ AS  
 30          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.7. (a) Except as  
 31          expressly provided by law, a candidate for selection under **IC 3-13-5**  
 32          **or** IC 3-13-11 for an appointment pro tempore to an office must comply  
 33          with the requirements imposed under this chapter on a candidate for  
 34          election to the office.

35                 (b) If a town council member:

36                         (1) was elected or selected as a candidate from a town council  
 37                         district; and

38                         (2) served on a council that subsequently adopted an ordinance  
 39                         under IC 36-5-2-4.1 abolishing town council districts;

40          a candidate for selection for an appointment pro tempore to succeed the  
 41          town council member is not required to reside within the district  
 42          formerly represented by the town council member.

**SB 109—LS 6541/DI 75+**



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1 SECTION 18. IC 3-8-2-15 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) A person  
 3 who files a declaration of candidacy for an elected office for which a  
 4 per diem or salary is provided for by law is disqualified from filing a  
 5 declaration of candidacy for another office for which a per diem or  
 6 salary is provided for by law until the original declaration is withdrawn.

7 (b) A person may file both:

8 (1) a declaration of candidacy under this chapter for nomination  
 9 to a federal or state office; and

10 (2) a written request under IC 3-8-3-1 that the person's name be  
 11 placed on the ballot in a primary election as a candidate for  
 12 nomination for the office of President of the United States.

13 (c) A person may not file:

14 (1) a declaration of candidacy for a nomination; and

15 (2) a petition of nomination **or declaration of intent to be a**  
 16 **write-in candidate** for a school board office that is elected at the  
 17 same time as the primary election.

18 If a person files both a declaration of candidacy and a petition of  
 19 nomination described in this subsection, the matter shall be referred to  
 20 the county election board under section 18 of this chapter. The board  
 21 shall determine which document was most recently filed and shall  
 22 consider the previously filed document to have been withdrawn.

23 SECTION 19. IC 3-8-6-10 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as  
 25 provided in section 11 of this chapter, a petition of nomination must be  
 26 submitted to the county voter registration office of each county in  
 27 which the election district is located.

28 (b) The petition must be

29 ~~(1)~~ filed during the period beginning January 1 of the year in  
 30 which the election will be held and ending at noon July 15 before  
 31 the election. ~~and~~

32 ~~(2) accompanied by the candidate's written consent to become a~~  
 33 ~~candidate and any statement of economic interests required under~~  
 34 ~~IC 3-8-1-33.~~

35 (c) The county voter registration office shall certify and file a  
 36 petition that complies with the requirements of this chapter with the  
 37 public official authorized to place names on the ballot (and with the  
 38 town clerk-treasurer, if the petition of nomination is for a town office)  
 39 by noon August 1. Following certification of a petition under this  
 40 section, the office may, upon the request of a candidate named in the  
 41 petition, return the original petition to the candidate for filing with the  
 42 appropriate official in accordance with this subsection.



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1 (d) During a year in which a federal decennial census, federal  
2 special census, special tabulation, or corrected population count  
3 becomes effective under IC 1-1-3.5, a petition of nomination may be  
4 filed for an office that will appear on the primary election ballot that  
5 year as a result of the new tabulation of population or corrected  
6 population count.

7 SECTION 20. IC 3-8-6-12 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A petition  
9 of nomination for an office filed under section 10 of this chapter must  
10 be filed with and certified by the person with whom a declaration of  
11 candidacy must be filed under IC 3-8-2.

12 (b) The petition of nomination must be accompanied by the  
13 following:

- 14 (1) ~~Each~~ **The** candidate's written consent to become a candidate.
- 15 (2) A statement that the candidate:
  - 16 (A) is aware of the provisions of IC 3-9 regarding campaign
  - 17 finance and the reporting of campaign contributions and
  - 18 expenditures; and
  - 19 (B) agrees to comply with the provisions of IC 3-9.

20 The candidate must separately sign the statement required by this  
21 subdivision.

22 (3) If the candidate is subject to IC 3-9-1-5, a statement by the  
23 candidate that the candidate has filed a campaign finance  
24 statement of organization under IC 3-9-1-5 or is aware that the  
25 candidate may be required to file a campaign finance statement of  
26 organization not later than noon seven (7) days after the final date  
27 for filing a petition for nomination under section 10 of this  
28 chapter.

29 (4) A statement that if the individual is a candidate for a school  
30 board office, the candidate is aware of the requirement to file a  
31 campaign finance statement of organization under IC 3-9 after the  
32 first of either of the following occurs:

- 33 (A) The candidate receives more than five hundred dollars
- 34 (\$500) in contributions as a school board candidate.
- 35 (B) The candidate makes more than five hundred dollars
- 36 (\$500) in expenditures as a school board candidate.
- 37 (5) A statement indicating whether or not each candidate:
  - 38 (A) has been a candidate for state or local office in a previous
  - 39 primary or general election; and
  - 40 (B) has filed all reports required by IC 3-9-5-10 for all
  - 41 previous candidacies.
- 42 (6) A statement that each candidate is legally qualified to hold the

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- 1 office that the candidate seeks, including any applicable residency  
 2 requirements and restrictions on service due to a criminal  
 3 conviction.
- 4 (7) If the petition is filed with the secretary of state for an office  
 5 not elected by the electorate of the whole state, a statement signed  
 6 by the circuit court clerk of each county in the election district of  
 7 the office sought by the individual.
- 8 **(8) Any statement of economic interests required under**  
 9 **IC 3-8-1-33.**
- 10 (c) The statement required under subsection (b)(7) must:  
 11 (1) be certified by each circuit court clerk; and  
 12 (2) indicate the number of votes cast for secretary of state:  
 13 (A) at the last election for secretary of state; and  
 14 (B) in the part of the county included in the election district of  
 15 the office sought by the individual filing the petition.
- 16 (d) The secretary of state shall, by noon August 20, certify each  
 17 petition of nomination filed in the secretary of state's office to the  
 18 appropriate county.
- 19 (e) The commission shall provide that the form of a petition of  
 20 nomination includes the following information near the separate  
 21 signature required by subsection (b)(2):  
 22 (1) The dates for filing campaign finance reports under IC 3-9.  
 23 (2) The penalties for late filing of campaign finance reports under  
 24 IC 3-9.
- 25 SECTION 21. IC 3-8-7-6 IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 1999]: Sec. 6. ~~Within~~ **(a) Not later than noon**  
 27 **ten (10) days after:**  
 28 **(1) receipt of the candidate and delegate lists from each circuit**  
 29 **court clerk under section 5 of this chapter; or**  
 30 **(2) the certification of the canvass performed by the election**  
 31 **division under IC 3-10-1-34;**  
 32 **whichever occurs later,** the secretary of state shall furnish to the state  
 33 chairman of each **major** political party **in of** the state ~~whose nominee~~  
 34 ~~received at least ten percent (10%) of the total vote cast for secretary~~  
 35 ~~of state at the last election a complete~~ list, certified under the  
 36 secretary's hand and seal. ~~of:~~
- 37 **(b) The list described in subsection (a) must:**  
 38 **(1) contain the names of** all candidates nominated ~~and delegates~~  
 39 ~~elected~~ as certified by the **circuit court** clerks under section 5 of  
 40 this chapter; ~~and~~  
 41 **(2) contain the names of** all candidates shown to be nominated  
 42 by the canvass of the ~~secretary of state~~ **election division**



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1           **conducted** under IC 3-10-1-34; Each list ~~must and~~  
 2           **(3)** include the address of each candidate. ~~and delegate. The~~  
 3           ~~delegate lists shall be certified in duplicate, separate from the~~  
 4           ~~candidate lists.~~

5           **(c) No other form of certification of nomination for office is**  
 6           **necessary for an individual included on the list described by this**  
 7           **section.**

8           SECTION 22. IC 3-8-7-6.5 IS ADDED TO THE INDIANA CODE  
 9           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 10          1, 1999]: **Sec. 6.5. (a) Not later than noon ten (10) days after receipt**  
 11          **of the delegate lists from each circuit court clerk under section 5 of**  
 12          **this chapter, the secretary of state shall furnish to the state**  
 13          **chairman of each major political party of the state a list of**  
 14          **individuals elected as delegates to the convention of the chairman's**  
 15          **political party.**

16          **(b) The list described under subsection (a) must:**

- 17           **(1) contain the names of all delegates elected, as certified by**  
 18           **the circuit court clerks under section 5 of this chapter; and**  
 19           **(2) include the address of each delegate.**

20          **(c) The delegate lists must be certified separately from the**  
 21          **candidate lists certified under section 6 of this chapter and may not**  
 22          **contain the name of an individual appointed to serve as a state**  
 23          **convention delegate.**

24          SECTION 23. IC 3-8-7-25.5 IS AMENDED TO READ AS  
 25          FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 25.5. (a) This**  
 26          **section does not apply to the change of a candidate's name that occurs**  
 27          **after absentee ballots have been printed bearing the candidate's name.**

28          **(b) A candidate who:**

29           **(1) is:**

- 30           **(A) nominated for election; or**  
 31           **(B) a candidate for nomination; and**

32           **(2) wishes to change the candidate's name after:**

- 33           **(A) the candidate has been nominated; or**  
 34           **(B) becoming a candidate for nomination;**

35          **may file a statement setting forth the former and current name of the**  
 36          **candidate with the office where a declaration of candidacy or certificate**  
 37          **of nomination for the office is required to be filed. If the final date**  
 38          **and hour has not passed for filing a declaration of candidacy,**  
 39          **consent for nomination, or declaration of intent to be a write-in**  
 40          **candidate, the candidate must file the request for a change of name**  
 41          **on the form prescribed by the commission for the declaration or**  
 42          **consent.**



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1 (c) The statement filed under subsection (b) must also indicate that  
 2 the candidate has previously filed a change of name request with a  
 3 county voter registration office so that the name set forth in the  
 4 statement is identical to the candidate's name on the county voter  
 5 registration record.

6 (d) Upon the filing of the statement, the election division and each  
 7 county election board shall print the candidate's name on the ballot as  
 8 set forth in the statement.

9 SECTION 24. IC 3-10-1-5 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Whenever  
 11 there is no contest in a political party for the nomination of a candidate  
 12 or candidates for an office, the party may hold a primary election for  
 13 that nomination. The appropriate election board shall certify the names  
 14 of the candidates for each nomination for which there is no contest as  
 15 though a primary election had been held. However, except as provided  
 16 in subsections (b) through (c), if there is a contest in any party for any  
 17 nomination, the name of each candidate of each party shall be placed  
 18 on the primary election ballot, whether or not the candidate is opposed.

19 (b) If the only contest in a political party is for the election of a  
 20 precinct committeeman or a delegate to the party's state convention, the  
 21 names of unopposed candidates for nomination are not required to be  
 22 placed on the primary election ballot **unless the appointed member**  
 23 **of the county election board affiliated with the political party files**  
 24 **a written request that these names be printed on the primary**  
 25 **election ballot.**

26 (c) The names of unopposed candidates for election as a precinct  
 27 committeeman or a delegate to a political party's state convention are  
 28 not required to be placed on the primary election ballot **unless the**  
 29 **appointed member of the county election board affiliated with the**  
 30 **political party files a written request that these names be printed**  
 31 **on the primary election ballot.**

32 (d) **A request under subsection (b) or (c) must be filed with the**  
 33 **clerk of the circuit court not later than the date provided under**  
 34 **IC 3-11-4-10 by which the clerk must estimate the number of**  
 35 **absentee ballots to be printed.**

36 SECTION 25. IC 3-10-1-14 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) All the  
 38 candidates for each office who have qualified in the manner prescribed  
 39 by IC 3-8 for placement on the primary election ballot shall be grouped  
 40 together under the name of the office and printed in type with uniform  
 41 capital letters, with uniform space between each name. At the head of  
 42 each group where only one (1) candidate for each group is to be voted



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1 for, the words "vote for one (1) only" shall be printed. If more than one  
 2 (1) candidate in a group is to be voted for, the number to be voted for  
 3 shall be specified at the head of the group.

4 (b) **This subsection does not apply to a candidate for a political**  
 5 **party office.** A candidate's given name and surname as set forth in the  
 6 candidate's voter registration record shall be printed in full.

7 (c) In addition to the candidate's given name and surname, the  
 8 candidate may use:

9 (1) initials; or

10 (2) a nickname by which the candidate is commonly known;  
 11 if the candidate's choice of initials or nickname does not exceed twenty  
 12 (20) characters. Any nickname used must appear in parentheses  
 13 between the candidate's given name and the candidate's surname.

14 (d) A candidate may not use a designation such as a title or degree  
 15 or a nickname that implies a title or degree.

16 (e) A candidate's name must be printed on the ballot exactly as the  
 17 name appears on the candidate's certificate of nomination, petition of  
 18 nomination, or declaration of candidacy.

19 SECTION 26. IC 3-10-1-17 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 17. Political parties  
 21 may be distinguished in a primary election by the use of different color  
 22 ballot labels. The party ~~device for a political party that has been~~  
 23 ~~adopted in accordance with IC 3-8 and the party name or other~~  
 24 ~~designation~~ shall be placed before the list of candidates of the party.

25 SECTION 27. IC 3-10-1-33 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) The county  
 27 election board shall also make an additional duplicate showing the  
 28 votes cast for each candidate required to file a declaration of candidacy  
 29 with the election division under IC 3-8-2. ~~or for whom a certificate of~~  
 30 ~~nomination must be filed with the election division under IC 3-8-7.~~

31 (b) The circuit court clerk shall, not later than **noon on** the Monday  
 32 following the primary election, send to the election division by certified  
 33 mail or hand deliver to the election division one (1) complete copy of  
 34 all returns for these candidates.

35 SECTION 28. IC 3-10-1-34 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 34. The election  
 37 division, not later than **noon**:

38 (1) **on** the second Wednesday following a primary election  
 39 conducted in a year in which a general election will be held; **or**

40 (2) **seven (7) days after receipt of the final recount certificate**  
 41 **transmitted under IC 3-12-6-31 or IC 3-12-11-18;**

42 **whichever occurs later**, shall canvass the votes cast for candidates

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1 required to file a declaration of candidacy with the election division  
2 under IC 3-8-2 and tabulate the result as provided in IC 3-12.

3 SECTION 29. IC 3-10-11-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter:

5 (1) applies to a general, municipal, primary, school district, and  
6 special election; **and**

7 **(2) is enacted to implement Article 2, Section 2(c) of the**  
8 **Constitution of the State of Indiana.**

9 SECTION 30. IC 3-10-12-1 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter:

11 (1) prescribes the procedure for certain voters to cast ballots  
12 under 42 U.S.C. 1973gg-6(e)(2) in a precinct where the voter  
13 formerly resided; **and**

14 **(2) is enacted to implement Article 2, Section 2(c) of the**  
15 **Constitution of the State of Indiana.**

16 SECTION 31. IC 3-11-4-5.1 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) The  
18 commission shall prescribe the form of an application for an absentee  
19 ballot.

20 (b) The form prescribed by the commission shall require that a voter  
21 who:

22 (1) requests an absentee ballot; and

23 (2) is eligible to vote in the precinct under IC 3-10-11 or  
24 IC 3-10-12;

25 must include the affidavit required by IC 3-10-11 or a written  
26 affirmation described in IC 3-10-12.

27 **(c) The form prescribed by the commission must require that an**  
28 **individual who assists the applicant in completing the application**  
29 **state the individual's name on the application.**

30 SECTION 32. IC 3-11-7-3.5 IS ADDED TO THE INDIANA CODE  
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
32 1, 1999]: **Sec. 3.5. A ballot card printed for use under this article**  
33 **must have the year of the election to be conducted printed or**  
34 **stamped on the face of the ballot card.**

35 SECTION 33. IC 3-11-13-27.5 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.5. At the  
37 opening of the polls, after the organization of and in the presence of the  
38 precinct election board, the inspector shall:

39 (1) open the packages of ballot cards in a manner that preserves  
40 the seals intact;

41 (2) deliver ~~twenty-five (25)~~ **fifty (50)** of each of the state and local  
42 ballots to the poll clerk ~~of representing~~ the opposite political



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party; and  
 (3) deliver to the other poll clerk a device for marking the ballots.  
 SECTION 34. IC 3-12-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Upon receipt of the certified statements from the circuit court clerks under section 6 of this chapter, the election division shall:  
 (1) ~~compare and estimate~~ **tabulate** the number of votes cast for each candidate for United States Senator and United States Representative; and  
 (2) prepare a certificate **of election** for the secretary of state to ~~certify~~ **transmit** to:  
     (A) the governor **for signature and certification to the secretary of the United States Senate, setting forth the name of** the candidate receiving the highest number of votes for ~~each the~~ **office of United States Senator, in the manner required by 2 U.S.C. 1; and**  
     (B) **the clerk of the United States House of Representatives, setting forth the name of each candidate receiving the highest number of votes for United States Representative, in the manner required by 2 U.S.C. 26.**  
 (b) The secretary of state shall promptly execute the certificate prepared under subsection ~~(a)~~ (a)(2)(A) and ~~file~~ **transmit** the certificate ~~with~~ **to** the governor. **The governor shall promptly execute the certificate and transmit the certificate to the election division for attestation by the secretary of state and transmission to the secretary of the United States Senate.**  
 (c) **The secretary of state shall promptly execute the certificate prepared under subsection (a)(2)(B) and transmit the certificate to the clerk of the United States House of Representatives.**  
 SECTION 35. IC 3-12-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The ~~governor~~ **election division** shall transmit to each candidate certified under section 9 of this chapter ~~a~~ **an original copy of the** certificate of election. The secretary of state shall seal and attest the certificate of election.  
 SECTION 36. IC 3-12-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Each petition filed under section 2 of this chapter must state the following:  
 (1) The office for which the petitioner desires a recount.  
 (2) The precincts within the county in which the petitioner desires a recount.  
 (3) That the petitioner is entitled to a recount under section 1 of

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- this chapter.
- (4) That the nomination or office was voted upon in the precincts specified.
- (5) The name of **each candidate for the nomination or office as set forth on the ballot for the election** and the address of each candidate for nomination or election to the office **as set forth in the records of the county election board or election division.**
- (6) That the petitioner in good faith believes that the votes cast for nomination or election to the office at the election in the precincts were not correctly counted and returned.
- (7) That the petitioner desires a recount of all of the votes cast for nomination or election to the office in the precincts specified.

SECTION 37. IC 3-12-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. **(a) Except as provided in subsection (b),** the court in which a petition or cross-petition is filed may allow the petition or cross-petition to be amended at any time upon the terms and conditions that the court orders.

**(b) The court may not allow a petition or cross-petition to be amended following the deadline for filing a petition or cross-petition under this chapter if the petition or cross-petition as originally filed:**

- (1) failed to comply with this chapter; or**
- (2) was not filed before the deadline specified in this chapter.**

SECTION 38. IC 3-12-6-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) After a recount is ordered under section 14 of this chapter, the recount commission shall convene at a place fixed by order of the court. ~~and~~

**(b) Whenever a motion to dismiss a petition or cross-petition for a recount is filed with the court, the court shall rule on the motion to dismiss before the recount commission conducts the recount.**

**The motion to dismiss must:**

- (1) state that the petitioner or cross-petitioner has failed to comply with this chapter; and**
- (2) specifically identify the requirement that the petitioner or cross-petitioner has failed to comply with.**

**(c) As the first item of business, the recount commission shall adopt procedures for conducting the recount, based as closely as is practical on the procedures adopted by the state recount commission. After adopting these procedures, the recount commission shall expeditiously complete the recount of all votes ordered recounted.**

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1           **(b) (d)** The proceedings of the recount commission shall be  
 2 performed in public under IC 5-14-1.5 (the Open Door Law). However,  
 3 the commission may restrict access to parts of a room where the  
 4 recount is being conducted to safeguard the election material or to  
 5 permit the material to be handled or transported by the commission.  
 6 Each candidate affected by the recount may have a watcher present at  
 7 the recount and may also be present in person. A watcher for a  
 8 candidate under this subsection has the same rights as a watcher  
 9 appointed under IC 3-6-8-4. Representatives of the media may also  
 10 attend the recount and have the same rights as media watchers  
 11 appointed under IC 3-6-10.

12           **(c) (e)** An order issued by the state recount commission under  
 13 IC 3-12-10 supersedes an order issued by the recount commission  
 14 appointed under this chapter to the extent that the orders conflict. The  
 15 state recount commission shall assist a recount commission appointed  
 16 under this chapter to the extent that the ability of the state recount  
 17 commission to preserve the integrity of election records or equipment  
 18 is not hindered.

19           **(d) (f)** During the period:

20           (1) beginning when a recount is ordered under section 14 of this  
 21 chapter; and

22           (2) ending when the recount commission certifies the recount  
 23 results under section 22 of this chapter;

24 the recount commission may petition the court that acquired  
 25 jurisdiction over the recount under section 8 of this chapter to rule on  
 26 questions raised by the recount commission.

27           **SECTION 39. IC 3-12-6-21.9 IS AMENDED TO READ AS**  
 28 **FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21.9. (a) A recount for**  
 29 **nomination to an office conducted under this chapter shall be**  
 30 **completed not later than the final Friday in June following the**  
 31 **primary.**

32           **(b)** A recount for election to an office conducted under this chapter  
 33 shall be completed not later than December 20 following the election.

34           **SECTION 40. IC 3-12-8-1 IS AMENDED TO READ AS**  
 35 **FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This section**  
 36 **does not apply to a challenge filed before an election to the**  
 37 **eligibility of a candidate nominated by petition for election to an**  
 38 **office. The challenge described by this section must be conducted**  
 39 **in accordance with IC 3-8-1-2.**

40           **(b)** Any candidate for nomination or election to a local or school  
 41 board office may contest the nomination or election of a candidate who  
 42 is declared nominated or elected to the office.

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1           **(b) (c)** If a candidate who is entitled to contest the nomination or  
 2 election of a candidate under this chapter does not file a petition within  
 3 the period established by section 5 of this chapter, the county chairman  
 4 of a political party of which the candidate entitled to file a petition  
 5 under this chapter was a member may file a petition to contest the  
 6 nomination or election of a candidate. A county chairman is entitled to  
 7 contest an election under this chapter only in a partisan race.

8           SECTION 41. IC 3-12-8-2 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. An election may  
 10 be contested under section 1 of this chapter if a petitioner alleges that  
 11 one (1) of the following circumstances existed:

- 12           (1) The contestee was ineligible.
- 13           (2) A mistake occurred in the printing or distribution of ballots  
 14 used in the election that makes it impossible to determine which  
 15 candidate received the highest number of votes.
- 16           (3) A mistake occurred in the programming of a voting machine  
 17 or an electronic voting system, making it impossible to determine  
 18 the candidate who received the highest number of votes.
- 19           (4) A voting machine or an electronic voting system  
 20 malfunctioned, making it impossible to determine the candidate  
 21 who received the highest number of votes.
- 22           **(5) A deliberate act or series of actions occurred making it**  
 23 **impossible to determine the candidate who received the**  
 24 **highest number of votes cast in the election.**

25           SECTION 42. IC 3-12-8-6 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A petition  
 27 filed under section 5 of this chapter must state the following:

- 28           (1) That the petitioner desires to contest the nomination or  
 29 election to an office.
- 30           (2) The name **of each candidate as set forth on the ballot for**  
 31 **the election** and address of each candidate ~~at the election for the~~  
 32 ~~office involved:~~ **as set forth in the records of the county**  
 33 **election board or election division.**
- 34           (3) That the petitioner in good faith believes that **one (1) or more**  
 35 **of the following occurred:**
  - 36           (A) The person declared nominated or elected does not comply  
 37 with a **specific** constitutional or statutory requirement **set**  
 38 **forth in the petition that is** applicable to a candidate for the  
 39 office.
  - 40           (B) A mistake was made in the printing or distribution of  
 41 ballots **used in the election** that makes it impossible to  
 42 determine which candidate received the highest number of

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votes cast in the election.  
(C) A mistake occurred in the programming of a voting machine or an electronic voting system, making it impossible to determine the candidate who received the highest number of votes. ~~or~~  
(D) A voting machine or an electronic voting system malfunctioned, making it impossible to determine the candidate who received the highest number of votes.  
**(E) A deliberate act or series of actions occurred making it impossible to determine the candidate who received the highest number of votes cast in the election.**

(b) A petition stating that the petitioner believes that it is impossible to determine the candidate that received the highest number of votes for one (1) of the reasons ~~set forth~~ **described** in subsection ~~(a)~~ **(a)(3)(B), (a)(3)(C), or (a)(3)(D)** must identify each precinct in which:  
(1) ballots:  
    **(A)** containing the printing mistake; or  
    **(B)** distributed by mistake;  
were cast;  
(2) a mistake occurred in the programming of a voting machine or an electronic voting system; or  
(3) a voting machine or an electronic voting system malfunctioned.

**(c) A petition stating that the petitioner believes that an act or series of actions described in subsection (a)(3)(E) occurred must identify each precinct or other location in which the act or series of actions occurred to the extent known to the petitioner.**

SECTION 43. IC 3-12-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 6.5. (a) Except as provided in subsection (b), the court in which a petition is filed may allow the petition or cross-petition to be amended at any time upon the terms and conditions that the court orders.**

**(b) The court may not allow a petition to be amended following the deadline for filing a petition under this chapter if the petition as originally filed:**

- (1) failed to comply with this chapter; or**
- (2) was not filed before the deadline specified in this chapter.**

SECTION 44. IC 3-12-8-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22. (a) The costs of a contest may include the following:**

- (1) Compensation of additional employees required to conduct the**

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1 contest, including overtime payments to regular employees who  
2 are eligible to receive such payments.

3 (2) Postage and telephone charges directly related to the contest.

4 (b) The costs of a contest may not include the following:

5 (1) General administrative costs.

6 (2) Security.

7 (3) Allowances for meals or lodging.

8 **(c) The costs of a contest shall be paid from the county general**  
9 **fund without appropriation.**

10 SECTION 45. IC 3-12-10-2.2 IS ADDED TO THE INDIANA  
11 CODE AS A NEW SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. (a) The state recount**  
13 **fund is established for the purpose of receiving, holding, and**  
14 **disbursing funds as a fiduciary for the state recount commission**  
15 **and individuals who have provided a cash deposit under this**  
16 **article. The fund shall be administered by the administrative**  
17 **division of the office of the secretary of state.**

18 **(b) The expenses of administering the fund shall be paid from**  
19 **money in the fund.**

20 **(c) Money in the fund at the end of a state fiscal year does not**  
21 **revert to the state general fund.**

22 **(d) All money accruing to the fund is appropriated continuously**  
23 **for the purposes specified in subsection (a).**

24 SECTION 46. IC 3-12-10-8 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The state board of  
26 accounts shall conduct any recount or other contest proceeding ordered  
27 by the state recount commission **in accordance with this article and**  
28 **guidelines adopted by the commission.**

29 SECTION 47. IC 3-12-10-12 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. **(a) The**  
31 **expenses of a recount or contest conducted by the state recount**  
32 **commission shall be paid from the state general recount fund**  
33 **following the commission's determination whether a full or partial**  
34 **refund of the cash deposit should be granted under IC 3-12-11-10.**

35 **(b) The expenses of a contest conducted by the state recount**  
36 **commission shall be paid from the state recount fund.**

37 **(c) A person (other than a party to a recount or contest) who**  
38 **claims reimbursement of expenses described by subsection (a) or**  
39 **(b) must submit a claim to the state recount commission not later**  
40 **than noon sixty (60) days after the commission adopts a final order**  
41 **concerning the recount or contest. If the commission approves the**  
42 **claim, the treasurer of state shall issue a warrant to the person in**



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1 **accordance with IC 5-13-5.**

2 **(d) There is appropriated to the state recount fund from the**  
 3 **state general fund an amount sufficient for the state recount**  
 4 **commission's use in the payment of expenses under this section.**

5 SECTION 48. IC 3-12-11-3 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) Each petition for  
 7 a recount filed under section 2 of this chapter must state the following:

- 8 (1) The office for which the petitioner desires a recount.  
 9 (2) The precincts in which the petitioner desires a recount.  
 10 (3) That the individual is entitled to a recount under this chapter  
 11 and that the nomination or election to office at issue was voted  
 12 upon in the precincts specified.  
 13 (4) The name **of the candidates as set forth on the ballot for the**  
 14 **election** and address of the candidates **as set forth in the records**  
 15 **of the election division.**  
 16 (5) That the petitioner in good faith believes that the votes cast for  
 17 nomination or election to the office at the election in the precincts  
 18 were not correctly counted and returned.  
 19 (6) That the petitioner desires a recount of all of the votes cast for  
 20 nomination or election to the office in the precincts specified.

21 (b) Each petition for a contest filed under section 2 of this chapter  
 22 must state the following:

- 23 (1) The nomination or election to office that the petitioner  
 24 contests.  
 25 (2) That the individual is entitled to contest an election or a  
 26 nomination to office under this chapter.  
 27 (3) The name **of the candidates as set forth on the ballot for the**  
 28 **election** and address of each of the candidates **as set forth in the**  
 29 **records of the election division.**  
 30 (4) That the petitioner in good faith believes that **one (1) or more**  
 31 **of the following occurred:**

- 32 (A) The person declared nominated or elected does not comply  
 33 with a **specific** constitutional or statutory requirement **set**  
 34 **forth in the petition that is** applicable to a candidate for the  
 35 office.  
 36 (B) A mistake was made in the printing or distribution of  
 37 ballots **used in the election** that makes it impossible to  
 38 determine which candidate received the highest number of  
 39 votes cast in the election.  
 40 (C) A mistake occurred in the programming of a voting  
 41 machine or an electronic voting system, making it impossible  
 42 to determine the candidate who received the highest number



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- 1 of votes. ~~or~~
- 2 (D) A voting machine or an electronic voting system
- 3 malfunctioned, making it impossible to determine the
- 4 candidate who received the highest number of votes.
- 5 **(E) A deliberate act or series of actions occurred making**
- 6 **it impossible to determine the candidate who received the**
- 7 **highest number of votes cast in the election.**
- 8 (c) A petition stating that the petitioner believes that a mistake in the
- 9 ~~printing or distribution of ballots~~ **described in subsection (b)(4)(B),**
- 10 **(b)(4)(C), or (b)(4)(D)** has occurred must identify each precinct in
- 11 which:
- 12 (1) ballots:
- 13 (A) containing the printing mistake; or
- 14 (B) distributed by mistake;
- 15 were cast;
- 16 (2) a mistake occurred in the programming of a voting machine
- 17 or an electronic voting system; or
- 18 (3) a voting machine or an electronic voting system
- 19 malfunctioned.
- 20 **(d) A petition stating that the petitioner believes that an act or**
- 21 **series of actions described in subsection (b)(4)(E) occurred must**
- 22 **identify each precinct or other location in which the act or series**
- 23 **of actions occurred to the extent known to the petitioner.**
- 24 SECTION 49. IC 3-12-11-7 IS AMENDED TO READ AS
- 25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. **(a) Except as**
- 26 **provided in subsection (b) or (c),** the state recount commission may
- 27 allow a petition or cross-petition to be amended at any time upon the
- 28 terms and conditions that the state recount commission orders.
- 29 ~~However,~~
- 30 **(b) The commission may not allow a petition or cross-petition to**
- 31 **be amended following the deadline for filing a petition or**
- 32 **cross-petition under this chapter if the petition or cross-petition as**
- 33 **originally filed:**
- 34 **(1) failed to comply with section 3 or section 6 of this chapter;**
- 35 **or**
- 36 **(2) was not filed before the deadline specified in section 2 or**
- 37 **section 4 of this chapter.**
- 38 (c) The commission may not allow a candidate who filed a petition
- 39 or cross-petition to amend the petition or cross-petition by striking a
- 40 precinct in which the candidate had desired a recount unless each
- 41 opposing candidate consents to the amendment.
- 42 SECTION 50. IC 3-12-11-10 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each  
2 petitioner shall furnish a cash deposit for the payment of costs of the  
3 recount chargeable to the petitioner. The minimum amount of the cash  
4 deposit is one hundred dollars (\$100). **The cash deposit shall be**  
5 **deposited in the state recount fund.**

6 (b) This subsection applies only to a recount of an election for  
7 nomination or election to either of the following:

8 (1) A legislative office in which, on the face of the election  
9 returns, the difference between the number of votes cast for the  
10 candidate nominated or elected and the petitioner is not more than  
11 one percent (1%).

12 (2) An office other than a legislative office in which, on the face  
13 of the election returns, the difference between the number of votes  
14 cast for the candidate nominated or elected and the petitioner is  
15 not more than one percent (1%).

16 If the number of precincts to be recounted exceeds ten (10), the amount  
17 of the deposit shall be increased by ten dollars (\$10) for each precinct  
18 in excess of ten (10).

19 (c) This subsection applies only to a recount of an election for  
20 nomination or election to either of the following:

21 (1) A legislative office in which, on the face of the election  
22 returns, the difference between the number of votes cast for the  
23 candidate nominated or elected and the petitioner is more than  
24 one percent (1%).

25 (2) An office other than a legislative office in which, on the face  
26 of the election returns, the difference between the number of votes  
27 cast for the candidate nominated or elected and the petitioner is  
28 more than one percent (1%).

29 If the number of precincts to be recounted exceeds ten (10), the amount  
30 of the deposit shall be increased by one hundred dollars (\$100) for each  
31 precinct in excess of ten (10).

32 (d) If after a recount, it is determined that a petitioner has been  
33 nominated or elected, the deposit furnished by that petitioner shall be  
34 returned to that petitioner in full.

35 (e) Any unexpended balance remaining in a deposit after payment  
36 of the costs of the recount shall be returned to the depositor in the  
37 following manner:

38 (1) If the recount results in a reduction of at least fifty percent  
39 (50%) but less than one hundred percent (100%) of the margin of  
40 the total certified votes, the petitioner shall receive a refund of  
41 that percentage of the unexpended balance.

42 (2) If after a recount, it is determined that a petitioner has been

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nominated or elected, the deposit or the bond furnished by that petitioner shall be returned to that petitioner in full.

(3) Any unexpended balance remaining after the provision of subdivision (1) has ~~have~~ been satisfied shall be deposited in the state ~~general~~ **recount** fund.

SECTION 51. IC 3-12-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section applies if a cross-petition is filed under this chapter.

(b) This subsection applies only to a recount of an election for nomination or election to either of the following:

(1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is not more than one percent (1%).

(2) An office other than a legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is not more than one percent (1%).

The cross-petitioner shall furnish a cash deposit equal to ten dollars (\$10) multiplied by the number of precincts that the cross-petitioner seeks to have recounted. **The cash deposit shall be deposited in the state recount fund.**

(c) This subsection applies only to a recount of an election for nomination or election to either of the following:

(1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is more than one percent (1%).

(2) An office other than a legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is more than one percent (1%).

The cross-petitioner shall furnish a cash deposit equal to ten dollars (\$10) multiplied by the number of precincts that the cross-petitioner seeks to have recounted for the first ten (10) precincts recounted. For each precinct in excess of ten (10) the cross-petitioner seeks to have recounted, the cross-petitioner shall furnish an additional cash deposit equal to one hundred dollars (\$100) multiplied by the number of precincts in excess of ten (10) that the cross-petitioner seeks to have recounted. **The cash deposit shall be deposited in the state recount fund.**

(d) If after a recount, it is determined that the cross-petitioner has

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1 been nominated or elected, the deposit furnished by the cross-petitioner  
2 shall be returned to the cross-petitioner in full.

3 (e) Any unexpended balance remaining in a deposit after payment  
4 of the costs of the recount shall be deposited in the state ~~general~~  
5 **recount** fund.

6 SECTION 52. IC 3-12-11-12 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) **Except as**  
8 **provided in subsection (d)**, the state recount commission shall grant  
9 the petitions and cross-petitions that have been filed and order the  
10 recount of the votes in the precincts upon:

11 (1) the filing of a petition and cash deposit or bond under this  
12 chapter;

13 (2) the expiration of the period under section 4 of this chapter for  
14 filing a cross-petition; and

15 (3) proof of service of all notices.

16 (b) **Except as provided in subsection (d)**, whenever a petition filed  
17 under section 2 of this chapter requests a recount in all precincts in the  
18 election district, the state recount commission may order a recount in  
19 the precincts upon:

20 (1) the filing of a cash deposit or bond under this chapter; and

21 (2) proof of service of all notices.

22 (c) **Except as provided in subsection (d)**, the state recount  
23 commission shall grant a petition for a contest that has been filed and  
24 order a contest proceeding upon:

25 (1) the filing of a petition under this chapter; and

26 (2) proof of service of all notices.

27 (d) **Whenever a motion to dismiss a petition or cross-petition for**  
28 **a recount or a petition for a contest is filed with the state recount**  
29 **commission or is made by a member of the commission, the**  
30 **commission shall rule on the motion to dismiss before ordering or**  
31 **continuing with a recount or a contest. The motion to dismiss must:**

32 (1) **state that the petitioner or cross-petitioner has failed to**  
33 **comply with this chapter; and**

34 (2) **specifically identify the requirement that the petitioner or**  
35 **cross-petitioner has failed to comply with.**

36 SECTION 53. IC 3-12-12-5 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each petition  
38 filed under section 2 of this chapter must be accompanied by a cash  
39 deposit or a bond with corporate surety to the approval of the court for  
40 the payment of all costs of the recount. The minimum amount of the  
41 cash deposit or bond is one hundred dollars (\$100). **A cash deposit for**  
42 **a recount conducted by a county recount commission shall be**

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1 **deposited in the county general fund. A cash deposit in a recount**  
 2 **conducted by the state recount commission shall be deposited in the**  
 3 **state recount fund.**

4 (b) This subsection applies to the recount of a public question to  
 5 which either of the following applies:

6 (1) The public question is a local public question under IC 3-10-9  
 7 in which, on the face of the election returns, the difference  
 8 between the number of affirmative and negative votes cast is not  
 9 more than two hundred (200).

10 (2) The public question is covered under section 23 of this chapter  
 11 and, on the face of the election returns, the difference between the  
 12 number of affirmative and negative votes cast is not more than  
 13 two thousand (2,000).

14 If the number of precincts to be recounted exceeds ten (10), then the  
 15 amount of the deposit shall be increased by ten dollars (\$10) for each  
 16 precinct in excess of ten (10).

17 (c) This subsection applies to the recount of a public question to  
 18 which either of the following applies:

19 (1) The public question is a local public question under IC 3-10-9  
 20 and, on the face of the election returns, the difference between the  
 21 number of affirmative and negative votes cast is more than two  
 22 hundred (200).

23 (2) The public question is covered under section 23 of this chapter  
 24 and, on the face of the election returns, the difference between the  
 25 number of affirmative and negative votes cast is more than two  
 26 thousand (2,000).

27 If the number of precincts to be recounted exceeds ten (10), the amount  
 28 of the deposit shall be increased by one hundred dollars (\$100) for each  
 29 precinct in excess of ten (10).

30 (d) If after a recount, it is determined that the result of the public  
 31 question is other than what was shown on the face of the election  
 32 returns, the deposit furnished by the petitioner shall be returned to the  
 33 petitioner in full.

34 (e) Any unexpended balance remaining in a deposit after payment  
 35 of all costs of the recount ~~shall be deposited~~ **remains** in the county  
 36 general fund.

37 **(f) This subsection applies to a recount conducted by the state**  
 38 **recount commission under this chapter. Any unexpended balance**  
 39 **remaining in a deposit after payment of all costs of the recount**  
 40 **remains in the state recount fund.**

41 SECTION 54. IC 3-13-1-10.5 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. (a) A person

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1 who wishes to be a candidate for appointment to fill a candidate  
2 vacancy under this chapter must file a declaration of candidacy on a  
3 form prescribed by the commission with:

4 (1) the chairman of the caucus; and

5 (2) the official who is required to receive a certificate of candidate  
6 selection following the caucus under section 15 of this chapter;  
7 at least seventy-two (72) hours before the time fixed for the caucus.

8 **(b) The form prescribed under subsection (a) must include a  
9 statement that the candidate:**

10 **(1) is aware of the provisions of IC 3-9 regarding campaign  
11 finance and the reporting of campaign finance contributions  
12 and expenditures; and**

13 **(2) agrees to comply with the provisions of IC 3-9.**

14 **The candidate must separately sign the statement required by this  
15 subsection.**

16 **(c) The commission shall provide that the form prescribed  
17 under subsection (a) includes the following information near the  
18 separate signature:**

19 **(1) The dates for filing campaign finance reports under  
20 IC 3-9.**

21 **(2) The penalties for late filing of campaign finance reports  
22 under IC 3-9.**

23 SECTION 55. IC 3-13-2-7 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a)** The selection  
25 of a person as a candidate under this chapter is not effective unless:

26 (1) the person's written consent is obtained and filed:

27 (A) in the office in which certificates and petitions of  
28 nomination must be filed; and

29 (B) when the certificate is filed; and

30 (2) the candidate has complied with any requirement under  
31 IC 3-8-1-33 to file a statement of economic interests.

32 **(b) The written consent under subsection (a) must include a  
33 statement that the candidate:**

34 **(1) is aware of the provisions of IC 3-9 regarding campaign  
35 finance and the reporting of campaign finance contributions  
36 and expenditures; and**

37 **(2) agrees to comply with the provisions of IC 3-9.**

38 **The candidate must separately sign the statement required by this  
39 subsection.**

40 **(c) The commission shall prescribe the form of the written  
41 consent under subsection (a) and shall include the following  
42 information near the separate signature:**

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1           **(1) The dates for filing campaign finance reports under**  
2           **IC 3-9.**

3           **(2) The penalties for late filing of campaign finance reports**  
4           **under IC 3-9.**

5           SECTION 56. IC 3-14-3-18 IS AMENDED TO READ AS  
6           FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. **(a) As used in this**  
7           **section, "candidate" includes an individual whom the person**  
8           **knows is considering becoming a candidate.**

9           **(b) A person who, for the purpose of influencing a voter or**  
10           **candidate:**

11           (1) seeks to enforce the payment of a debt by force or threat of  
12           force;

13           (2) ejects or threatens to eject the voter **or candidate** from a  
14           house the voter **or candidate** occupies;

15           (3) begins a criminal prosecution; or

16           (4) damages the business or trade of the voter **or candidate**;  
17           commits a Class D felony.

18           SECTION 57. IC 5-4-1-1 IS AMENDED TO READ AS FOLLOWS  
19           [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 1. (a)  
20           **Except as provided in subsection (c), every officer and every deputy,**  
21           before entering on the officer's or deputy's official duties, shall take an  
22           oath to support the Constitution of the United States and the  
23           Constitution of the State of Indiana, and that the officer or deputy will  
24           faithfully discharge the duties of such office.

25           (b) A prosecuting attorney and a deputy prosecuting attorney shall  
26           take the oath required under subsection (a) before taking office.

27           **(c) This subsection applies to a deputy of a political subdivision.**  
28           **An individual appointed as a deputy is considered an employee of**  
29           **the political subdivision performing ministerial functions on behalf**  
30           **of an officer and is not required to take the oath prescribed by**  
31           **subsection (a). However, if a chief deputy assumes the duties of an**  
32           **office during a vacancy under IC 3-13-11-12, the chief deputy must**  
33           **take the oath required under subsection (a) before entering on the**  
34           **official duties of the office.**

35           SECTION 58. IC 5-4-1-1.2 IS AMENDED TO READ AS  
36           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. (a) **This**  
37           **section does not apply to an individual appointed or elected to an**  
38           **office the establishment or qualifications of which are expressly**  
39           **provided for in the Constitution of the State of Indiana or the**  
40           **Constitution of the United States.**

41           (b) If the township assessor or any city an officer of a political  
42           subdivision does not take and file the oath **required under section 1**

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1 **of this chapter** within ~~ten (10)~~ **thirty (30)** days after the beginning of  
2 **his the officer's** term, the office becomes vacant.

3 SECTION 59. IC 5-4-1-2 IS AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE DECEMBER 1, 1998 (RETROACTIVE)]: Sec. 2. (a)  
5 The oath required by section 1 of this chapter, except in the case of a  
6 notary public or in those cases specified in section 3 of this chapter,  
7 shall be endorsed on or attached to the:

- 8 (1) commission;  
9 (2) certificate if a certificate was issued under IC 3-10-7-34,  
10 IC 3-12-4, or IC 3-12-5; or  
11 (3) certificate of appointment pro tempore under IC 3-13-11-11;  
12 signed by the person taking the oath, and certified to by the officer  
13 before whom **it the oath** was taken, who shall also deliver to the person  
14 taking the oath a copy of the oath.

15 (b) **A copy of** the oath of office of a prosecuting attorney shall be:

- 16 (1) recorded on the bond required by section 20 of this chapter;  
17 ~~and on or~~  
18 (2) **attached to** the commission of the prosecuting attorney.

19 SECTION 60. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **As used in this section,**  
21 **"political subdivision" has the meaning set forth in IC 36-1-2-13.**

22 (b) The copy of the oath under section 2 of this chapter shall be  
23 deposited by the person as follows:

- 24 (1) Of all officers whose oath is endorsed on **or attached to** the  
25 commission and whose duties are not limited to a particular  
26 county **or of a justice, judge, or prosecuting attorney**, in the  
27 office of the secretary of state.  
28 (2) Of ~~county~~ **the circuit court clerk**, officers **of a political**  
29 **subdivision or school corporation**, and constables of a small  
30 claims court, in the circuit court clerk's office of the county  
31 **containing the greatest percentage of the population of the**  
32 **political subdivision or school corporation.**  
33 (3) ~~Of county council members; officers appointed by the board~~  
34 ~~of county commissioners; and township officers that the board~~  
35 ~~may require to do so; with the county auditor.~~  
36 (4) ~~Of township board members; with the township trustee.~~  
37 (5) ~~Of city officers; in the office of the clerk of the city-county~~  
38 ~~council; city clerk; or city clerk-treasurer.~~  
39 (6) ~~Of deputies of the surveyor; in a book kept by the surveyor for~~  
40 ~~this purpose.~~  
41 (7) ~~Of town officers; in the office of the town clerk-treasurer.~~  
42 (8) ~~Of a justice, judge; or prosecuting attorney; in the office of the~~

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1            ~~secretary of state:~~

2            ~~(9) Of a deputy prosecuting attorney, in the office of the clerk of~~  
 3            ~~the circuit court of the county in which the deputy prosecuting~~  
 4            ~~attorney resides.~~

5            ~~(10) Of a school board member, in the circuit court clerk's office~~  
 6            ~~of the county containing the greatest percentage of population of~~  
 7            ~~the school corporation:~~

8            SECTION 61. IC 5-6-1-2 IS AMENDED TO READ AS FOLLOWS  
 9            [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a) This subsection does not**  
 10           **apply to the deputy of a circuit court clerk.**

11           ~~(b) Such~~ Deputies shall take the oath required of their principals,  
 12           and may perform all the official duties of such principals, being subject  
 13           to the same regulations and penalties.

14           SECTION 62. IC 5-6-4 IS ADDED TO THE INDIANA CODE AS  
 15           A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
 16           PASSAGE]:

17           **Chapter 4. Deputies of Officers in Political Subdivisions**

18           **Sec. 1. This chapter applies to a deputy of an officer of a**  
 19           **political subdivision.**

20           **Sec. 2. The definitions in IC 36-1-2 apply throughout this**  
 21           **chapter.**

22           **Sec. 3. For purposes of Article 2, Section 9 of the Constitution**  
 23           **of the State of Indiana, an appointed deputy of an officer of a**  
 24           **political subdivision is not a lucrative office.**

25           SECTION 63. IC 33-2.1-8-1 IS AMENDED TO READ AS  
 26           FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) As used in this  
 27           chapter, "cause" means a trial, hearing, arraignment, controversy,  
 28           appeal, case, or any business performed within the official duty of a  
 29           justice, judge, or prosecuting attorney.

30           (b) As used in this chapter, "compensation" means any money, thing  
 31           of value, or economic benefit conferred on, or received by, any person  
 32           in return for services rendered, or for services to be rendered, whether  
 33           by that person or another.

34           (c) As used in this chapter, "economic interest" means substantial  
 35           financial interest in investments, employment, awarding of contracts,  
 36           purchases, leases, sales, or similar matters.

37           (d) As used in this chapter, "employer" means any person from  
 38           whom the judge, justice, or prosecuting attorney or that person's spouse  
 39           receives any nonstate income.

40           (e) As used in this chapter, "information of a confidential nature"  
 41           means information obtained by reason of the position or office held and  
 42           which information has not been, or will not be, communicated to the



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1 general public.

2 (f) As used in this chapter, "person" means any individual,  
3 proprietorship, partnership, unincorporated association, trust, business  
4 trust, group, limited liability company, or corporation, whether or not  
5 operated for profit, or a governmental agency or political subdivision.

6 (g) As used in this chapter, "judge" means a judge of the court of  
7 appeals or the tax court, or of a circuit, superior, ~~municipal~~, county,  
8 **small claims**, or probate court. A judge pro tempore, commissioner, or  
9 hearing officer shall be considered a judge if that person shall sit more  
10 than twenty (20) days other than Saturdays, Sundays, or holidays in one  
11 (1) calendar year as judge, commissioner, or hearing officer in any  
12 court.

13 SECTION 64. IC 33-2.1-8-7 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The statement of  
15 economic interests must be filed with the commission:

16 (1) ~~no~~ **not** later than February 1 ~~and if the individual is required~~  
17 **to file the statement as an officeholder; or**

18 (2) **if a candidate for office**, before ~~filing~~ **the individual (or a**  
19 **political party officer acting on behalf of the individual) files:**

20 (A) a declaration of candidacy, if required under IC 3-8-2 or  
21 IC 3-8-4-11;

22 (B) a **certified** petition of nomination **with the Indiana**  
23 **election division** under IC 3-8-6;

24 (C) a **certificate of nomination under IC 3-8-7-8;**

25 ~~(D)~~ (D) a certificate of candidate selection under IC 3-13-1 or  
26 IC 3-13-2; or

27 ~~(E)~~ (E) a declaration of intent to be a write-in candidate, if  
28 required under IC 3-8-2.

29 (b) In a county where judges are selected by a county commission  
30 on judicial qualifications, a candidate must file a statement with the  
31 county commission and also with the commission on judicial  
32 qualifications.

33 SECTION 65. IC 33-5-5.1-29 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The Allen  
35 County superior court consists of nine (9) judges. Two (2) judges serve  
36 in the family relations division, three (3) judges serve in the criminal  
37 division, and four (4) judges serve in the civil division. Each newly  
38 elected or appointed judge assumes the division assignment of the  
39 judge whom the judge replaces.

40 (b) If, at any time, in the opinion of a majority of the judges, there  
41 is an undue disparity in the number of cases in any division, the chief  
42 judge may assign specific cases normally assigned to that division to

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1 a judge in another division as a majority of the judges direct.

2 (c) During the period under IC 3-8-2-4 in which a declaration of  
3 candidacy may be filed for a primary election, any person desiring to  
4 become a candidate for one (1) of the Allen superior court judgeships  
5 must file with the election division a declaration of candidacy adapted  
6 from the form prescribed under IC 3-8-2 that:

7 (1) is signed by the candidate; and

8 (2) designates the division and the name of the incumbent judge  
9 of the judgeship that the candidate seeks.

10 (d) A petition without the designation required under subsection (c)  
11 shall be rejected by the election division (or by the Indiana election  
12 commission under IC 3-8-1-2).

13 **(e) If an individual who files a declaration under subsection (c)**  
14 **ceases to be a candidate after the final date for filing a declaration**  
15 **under subsection (c), the election division may accept the filing of**  
16 **additional declarations of candidacy for that seat not later than**  
17 **noon August 1.**

18 SECTION 66. IC 33-5-43.2-1 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The judge of  
20 the Vanderburgh circuit court and each of the seven (7) judges of the  
21 Vanderburgh superior court shall be elected in nonpartisan elections  
22 every six (6) years.

23 (b) During the period under IC 3-8-2-4 in which a declaration of  
24 candidacy may be filed for a primary election, any person desiring to  
25 become a candidate for any one of the eight (8) judgeships affected by  
26 this chapter shall file with the election division a declaration of  
27 candidacy adapted from the form prescribed under IC 3-8-2, signed by  
28 the candidate and designating on the declaration which judgeship the  
29 candidate seeks. Any petition without such designation shall be  
30 rejected by the election division (or by the Indiana election commission  
31 under IC 3-8-1-2). To be eligible for election, a candidate must be:

32 (1) domiciled in the county of Vanderburgh;

33 (2) a citizen of the United States; and

34 (3) admitted to the practice of law in this state.

35 **(c) If an individual who files a declaration under subsection (b)**  
36 **ceases to be a candidate after the final date for filing a declaration**  
37 **under subsection (b), the election division may accept the filing of**  
38 **additional declarations of candidacy for that judgeship not later**  
39 **than noon August 1.**

40 (d) All candidates for each respective judgeship shall be listed  
41 on the general election ballot in the form prescribed by IC 3-11-2,  
42 without party designation. The candidate receiving the highest number

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1 of votes for each judgeship shall be elected to that office.

2 ~~(d)~~ (e) IC 3, where not inconsistent with the provisions of this  
3 chapter, applies to elections under this chapter.

4 SECTION 67. IC 33-16-4-1 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~(a)~~ The  
6 following are authorized to **subscribe and** administer oaths and take  
7 acknowledgments ~~generally, of all documents whatsoever~~, pertaining  
8 to all matters where an oath is required:

9 (1) Notaries public.

10 (2) Justices and judges of courts, in their respective jurisdictions.

11 (3) The secretary of state of Indiana.

12 (4) **The clerk of the supreme court.**

13 (5) Mayors, clerks, ~~and~~ clerk-treasurers of towns and cities, **and**  
14 **township trustees**, in their respective towns, ~~and~~ cities, **and**  
15 **townships.**

16 (6) Clerks of circuit courts and master commissioners, in their  
17 respective counties.

18 ~~(6)~~ (7) Judges of United States district courts of Indiana, in their  
19 respective jurisdictions.

20 ~~(7)~~ (8) United States commissioners appointed for any United  
21 States district court of Indiana, in their respective jurisdictions.

22 ~~(8)~~ (9) A precinct election officer (as defined in IC 3-5-2-40.1)  
23 and an absentee voter board member appointed under IC 3-11-10,  
24 for any purpose authorized under IC 3.

25 ~~(9)~~ (10) A member of the Indiana election commission, a  
26 co-director of the election division, or an employee of the election  
27 division under IC 3-6-4.2.

28 ~~(10)~~ (11) County auditors, in their respective counties.

29 ~~(b)~~ (12) Any member of the general assembly ~~shall have full~~  
30 ~~power and authority to subscribe and administer oaths and take~~  
31 ~~acknowledgments of all documents whatsoever~~ anywhere in  
32 Indiana.

33 SECTION 68. IC 36-1-6-10 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) This section  
35 applies to an ordinance adopted by a unit to establish executive, fiscal,  
36 or legislative body election districts within the unit.

37 (b) Except as otherwise provided in the ordinance, the ordinance  
38 takes effect immediately upon passage. However, a previously adopted  
39 ordinance establishing election districts remains in effect for the  
40 purpose of filling a vacancy in the executive, fiscal, or legislative body  
41 until the expiration of the term of that office.

42 (c) **A reference in the ordinance to the boundary of a political**

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1 subdivision, a precinct boundary, or an election district boundary  
 2 refers to the precinct or boundary as the precinct or boundary  
 3 existed on the date of adoption of the ordinance. A change in the  
 4 boundary of a political subdivision, precinct, or election district  
 5 following the date of adoption of the ordinance does not alter the  
 6 boundaries of the election districts established by the ordinance.

7 SECTION 69. THE FOLLOWING ARE REPEALED [EFFECTIVE  
 8 UPON PASSAGE]: IC 3-7-35-4; IC 3-8-7-9; IC 3-11-3-7; IC 3-11-3-9;  
 9 IC 3-11-15-35; IC 5-4-1-1.1.

10 SECTION 70. [EFFECTIVE UPON PASSAGE] (a) This  
 11 SECTION applies to expenses incurred for a contest or recount  
 12 conducted by the state recount commission after January 1, 1986,  
 13 and before January 1, 1999.

14 (b) A person (other than a party to a contest or recount) who  
 15 claims reimbursement of expenses described by subsection (a) must  
 16 submit a claim to the state recount commission not later than noon,  
 17 August 1, 1999. If the commission votes to approve the claim, the  
 18 treasurer of state shall issue a warrant to the person in accordance  
 19 with IC 5-13-5.

20 (c) There is appropriated to the state recount fund established  
 21 under IC 3-12-10-2.2 ten thousand dollars (\$10,000) from the state  
 22 general fund for the payment of expenses under this SECTION.

23 (d) This SECTION expires January 1, 2000.

24 SECTION 71. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Elections, to which was referred Senate Bill No. 109, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 14.

Page 3, line 13, after "(b)" insert "**This subsection does not apply to the office of precinct inspector.**".

Page 3, line 23, after "(b)" insert "**This subsection does not apply to the office of precinct inspector.**".

Page 3, line 32, after "(c)" insert "**This subsection does not apply to the office of precinct inspector.**".

Page 6, line 8, delete "county".

Page 6, line 8, after "office" insert "**designated under this chapter**".

Page 13, delete lines 33 through 42.

Delete pages 14 through 25.

Page 26, delete lines 1 through 9.

Page 27, line 5, delete "section" and insert "**subsection**".

Page 34, between lines 10 and 11, begin a new paragraph and insert:  
 "SECTION 46. IC 3-12-10-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. (a) The state recount fund is established for the purpose of receiving, holding, and disbursing funds as a fiduciary for the state recount commission and individuals who have provided a cash deposit under this article. The fund shall be administered by the administrative division of the office of the secretary of state.**

**(b) The expenses of administering the fund shall be paid from money in the fund.**

**(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**".

Page 34, line 19, strike "general" and insert "**recount**".

Page 34, line 23, delete "general" and insert "**recount**".

Page 34, line 31, delete "annually".

Page 34, line 32, after "commission" insert "**from the state general fund**".

Page 36, between lines 28 and 29, begin a new paragraph and insert:  
 "SECTION 51. IC 3-12-11-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) Each petitioner shall furnish a cash deposit for the payment of costs of the recount chargeable to the petitioner. The minimum amount of the cash**



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deposit is one hundred dollars (\$100). **The cash deposit shall be deposited in the state recount fund.**

(b) This subsection applies only to a recount of an election for nomination or election to either of the following:

- (1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is not more than one percent (1%).
- (2) An office other than a legislative office in which, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is not more than one percent (1%).

If the number of precincts to be recounted exceeds ten (10), the amount of the deposit shall be increased by ten dollars (\$10) for each precinct in excess of ten (10).

(c) This subsection applies only to a recount of an election for nomination or election to either of the following:

- (1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is more than one percent (1%).
- (2) An office other than a legislative office in which, on the face of the election returns, the difference between the number of votes cast for the candidate nominated or elected and the petitioner is more than one percent (1%).

If the number of precincts to be recounted exceeds ten (10), the amount of the deposit shall be increased by one hundred dollars (\$100) for each precinct in excess of ten (10).

(d) If after a recount, it is determined that a petitioner has been nominated or elected, the deposit furnished by that petitioner shall be returned to that petitioner in full.

(e) Any unexpended balance remaining in a deposit after payment of the costs of the recount shall be returned to the depositor in the following manner:

- (1) If the recount results in a reduction of at least fifty percent (50%) but less than one hundred percent (100%) of the margin of the total certified votes, the petitioner shall receive a refund of that percentage of the unexpended balance.
- (2) If after a recount, it is determined that a petitioner has been nominated or elected, the deposit or the bond furnished by that petitioner shall be returned to that petitioner in full.
- (3) Any unexpended balance remaining after the provision of

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subdivision (1) has ~~have~~ been satisfied shall be deposited in the state ~~general~~ **recount** fund.

SECTION 52. IC 3-12-11-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) This section applies if a cross-petition is filed under this chapter.

(b) This subsection applies only to a recount of an election for nomination or election to either of the following:

(1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is not more than one percent (1%).

(2) An office other than a legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is not more than one percent (1%).

The cross-petitioner shall furnish a cash deposit equal to ten dollars (\$10) multiplied by the number of precincts that the cross-petitioner seeks to have recounted. **The cash deposit shall be deposited in the state recount fund.**

(c) This subsection applies only to a recount of an election for nomination or election to either of the following:

(1) A legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is more than one percent (1%).

(2) An office other than a legislative office in which, on the face of the election returns, the difference between the number of votes cast for the cross-petitioner and the petitioner with the greatest number of votes is more than one percent (1%).

The cross-petitioner shall furnish a cash deposit equal to ten dollars (\$10) multiplied by the number of precincts that the cross-petitioner seeks to have recounted for the first ten (10) precincts recounted. For each precinct in excess of ten (10) the cross-petitioner seeks to have recounted, the cross-petitioner shall furnish an additional cash deposit equal to one hundred dollars (\$100) multiplied by the number of precincts in excess of ten (10) that the cross-petitioner seeks to have recounted. **The cash deposit shall be deposited in the state recount fund.**

(d) If after a recount, it is determined that the cross-petitioner has been nominated or elected, the deposit furnished by the cross-petitioner shall be returned to the cross-petitioner in full.

(e) Any unexpended balance remaining in a deposit after payment

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of the costs of the recount shall be deposited in the state ~~general~~ **recount fund.**"

Page 37, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 54. IC 3-12-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Each petition filed under section 2 of this chapter must be accompanied by a cash deposit or a bond with corporate surety to the approval of the court for the payment of all costs of the recount. The minimum amount of the cash deposit or bond is one hundred dollars (\$100). **A cash deposit for a recount conducted by a county recount commission shall be deposited in the county general fund. A cash deposit in a recount conducted by the state recount commission shall be deposited in the state recount fund.**

(b) This subsection applies to the recount of a public question to which either of the following applies:

- (1) The public question is a local public question under IC 3-10-9 in which, on the face of the election returns, the difference between the number of affirmative and negative votes cast is not more than two hundred (200).
- (2) The public question is covered under section 23 of this chapter and, on the face of the election returns, the difference between the number of affirmative and negative votes cast is not more than two thousand (2,000).

If the number of precincts to be recounted exceeds ten (10), then the amount of the deposit shall be increased by ten dollars (\$10) for each precinct in excess of ten (10).

(c) This subsection applies to the recount of a public question to which either of the following applies:

- (1) The public question is a local public question under IC 3-10-9 and, on the face of the election returns, the difference between the number of affirmative and negative votes cast is more than two hundred (200).
- (2) The public question is covered under section 23 of this chapter and, on the face of the election returns, the difference between the number of affirmative and negative votes cast is more than two thousand (2,000).

If the number of precincts to be recounted exceeds ten (10), the amount of the deposit shall be increased by one hundred dollars (\$100) for each precinct in excess of ten (10).

(d) If after a recount, it is determined that the result of the public question is other than what was shown on the face of the election returns, the deposit furnished by the petitioner shall be returned to the

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petitioner in full.

(e) Any unexpended balance remaining in a deposit after payment of all costs of the recount ~~shall be deposited~~ **remains** in the county general fund.

**(f) This subsection applies to a recount conducted by the state recount commission under this chapter. Any unexpended balance remaining in a deposit after payment of all costs of the recount remains in the state recount fund."**

Page 38, line 32, after "voter" insert "**or candidate**".

Page 38, between lines 35 and 36, begin a new paragraph and insert: "SECTION 58. IC 5-4-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: Sec. 1. (a) **Except as provided in subsection (c)**, every officer and every deputy, before entering on the officer's or deputy's official duties, shall take an oath to support the Constitution of the United States and the Constitution of the State of Indiana, and that the officer or deputy will faithfully discharge the duties of such office.

(b) A prosecuting attorney and a deputy prosecuting attorney shall take the oath required under subsection (a) before taking office.

**(c) This subsection applies to a deputy of a political subdivision. An individual appointed as a deputy is considered an employee of the political subdivision performing ministerial functions on behalf of an officer and is not required to take the oath prescribed by subsection (a). However, if a chief deputy assumes the duties of an office during a vacancy under IC 3-13-11-12, the chief deputy must take the oath required under subsection (a) before entering on the official duties of the office.**

SECTION 59. IC 5-4-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. (a) **This section does not apply to an individual appointed or elected to an office the establishment or qualifications of which are expressly provided for in the Constitution of the State of Indiana or the Constitution of the United States.**

(b) **If the township assessor or any city an officer of a political subdivision does not take and file the oath required under section 1 of this chapter within ten (10) thirty (30) days after the beginning of his the officer's term, the office becomes vacant.**

SECTION 60. IC 5-4-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 1, 1998 (RETROACTIVE)]: Sec. 2. (a) The oath required by section 1 of this chapter, except in the case of a notary public or in those cases specified in section 3 of this chapter, shall be endorsed on or attached to the:



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- (1) commission;
- (2) certificate if a certificate was issued under IC 3-10-7-34, IC 3-12-4, or IC 3-12-5; or
- (3) certificate of appointment pro tempore under IC 3-13-11-11; signed by the person taking the oath, and certified to by the officer before whom **it the oath** was taken, who shall also deliver to the person taking the oath a copy of the oath.

(b) **A copy of the oath of office of a prosecuting attorney shall be:**

- (1) recorded on the bond required by section 20 of this chapter; ~~and on or~~
- (2) **attached to** the commission of the prosecuting attorney.

SECTION 61. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.**

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

- (1) Of all officers whose oath is endorsed on **or attached to** the commission and whose duties are not limited to a particular county **or of a justice, judge, or prosecuting attorney**, in the office of the secretary of state.
- (2) Of ~~county~~ **the circuit court clerk**, officers **of a political subdivision or school corporation**, and constables of a small claims court, in the circuit court clerk's office of the county **containing the greatest percentage of the population of the political subdivision or school corporation.**
- (3) ~~Of county council members; officers appointed by the board of county commissioners; and township officers that the board may require to do so; with the county auditor:~~
- (4) ~~Of township board members; with the township trustee:~~
- (5) ~~Of city officers; in the office of the clerk of the city-county council; city clerk; or city clerk-treasurer:~~
- (6) ~~Of deputies of the surveyor; in a book kept by the surveyor for this purpose:~~
- (7) ~~Of town officers; in the office of the town clerk-treasurer:~~
- (8) ~~Of a justice; judge; or prosecuting attorney; in the office of the secretary of state:~~
- (9) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides.
- (10) ~~Of a school board member; in the circuit court clerk's office of the county containing the greatest percentage of population of the school corporation:~~



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SECTION 62. IC 5-6-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **This subsection does not apply to the deputy of a circuit court clerk.**

(b) ~~Such~~ Deputies shall take the oath required of their principals, and may perform all the official duties of such principals, being subject to the same regulations and penalties."

Page 41, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 68. IC 33-16-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~(a)~~ The following are authorized to **subscribe and** administer oaths and take acknowledgments ~~generally~~, **of all documents whatsoever**, pertaining to all matters where an oath is required:

- (1) Notaries public.
- (2) Justices and judges of courts, in their respective jurisdictions.
- (3) The secretary of state of Indiana.
- (4) **The clerk of the supreme court.**
- (5) Mayors, clerks, ~~and~~ clerk-treasurers of towns and cities, **and township trustees**, in their respective towns, ~~and~~ cities, **and townships.**
- (6) Clerks of circuit courts and master commissioners, in their respective counties.
- ~~(6)~~ (7) Judges of United States district courts of Indiana, in their respective jurisdictions.
- ~~(7)~~ (8) United States commissioners appointed for any United States district court of Indiana, in their respective jurisdictions.
- ~~(8)~~ (9) A precinct election officer (as defined in IC 3-5-2-40.1) and an absentee voter board member appointed under IC 3-11-10, for any purpose authorized under IC 3.
- ~~(9)~~ (10) A member of the Indiana election commission, a co-director of the election division, or an employee of the election division under IC 3-6-4.2.
- ~~(10)~~ (11) County auditors, in their respective counties.
- ~~(b)~~ (12) Any member of the general assembly ~~shall have full power and authority to subscribe and administer oaths and take acknowledgments of all documents whatsoever~~ anywhere in Indiana."

Page 41, delete line 42.

Page 42, delete lines 1 through 20.

Page 42, line 22, delete "IC 3-9-5-21;".

Page 42, line 23, after "IC 3-11-15-35" insert "; IC 5-4-1-1.1".

Page 42, delete lines 24 through 42.

Page 43, delete lines 1 through 10.



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Page 43, line 21, delete "commission" and insert "**fund established under IC 3-12-10-2.2**".

Page 43, line 23, delete "beginning July 1," and insert ".".

Page 43, delete line 24.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 109 as introduced.)

LANDSKE, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Senate Bill 109 be amended to read as follows:

Page 5, delete lines 6 through 19.

Page 21, between lines 35 and 36, begin a new paragraph and insert: "**(d) All money accruing to the fund is appropriated continuously for the purposes specified in subsection (a).**".

Page 22, line 14, delete "commission" and insert "**fund**".

Page 22, line 15, before "commission's" insert "**state recount**".

Page 35, line 34, delete "its use in".

Re-number all SECTIONS consecutively.

(Reference is to SB 109 as printed February 10, 1999.)

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